

Bumilus A. Muhammad

Plaintiff

Va.

D.A. Brad Fulk et al

Defendants

In The United States District
Court For The Western District
Of Penna.

Civil No. 04-131

Judge Co Hill

Dist. Magistrate Boster

Plaintiff's Narrative Statement

1.)

On December 28th, 2001, the Plaintiff was subpoenaed by Defense Attorney Gene Proccidoli, as a defense witness for a defendant Tashun Taylor. In a preliminary hearing proceeding, presiding by District Magistrate Paul Ubonika.

2.)

The Plaintiff as called, was to give testimony on behalf of the above defendant, Plaintiff was threatened and an attempt to intimidate the Plaintiff was made against the Plaintiff by the Trust Assistant D.A. Robert Sambrak, Jr. with criminal charges of Burglary and other relative criminal charges, if Plaintiff took the witness stand on the behalf of the defendant Tashun Taylor.

3.)

The Plaintiff proceeded as a defense witness and, thereafter, was ordered by District Attorney Brad Faulk, to be placed under arrest and taken into custody by the Erie County Detective Matthew J. Benacci.

4.)

The Plaintiff was thereafter ordered by D.A. Brad Faulk, to be taken into the City of Erie Police Department custody, and ordered by D.A. Brad Faulk, to be charged with a false criminal complaint under Pa. C. Code 3502 Burglary, and section 4910 Tampering and Fabricating evidence, as a means to maliciously punishment, and prosecution for interfering with one of his "Brad Faulk's", drug cases, and discrediting the need for the Plaintiff as a "key" witness in the Erik and Steven Treiber Arson murder case.

5.)

The Plaintiff was thereafter arranged by a local District Magistrate Susan C. Mack at the Erie Police Department, on the false criminal complaint, alleging Burglary and Tampering (sic.), with evidence, CR-1-02.

6.)

and thereafter ordered without probable cause to be committed to the Erie County Prison, under a \$25,000.00 dollar bail.

7.)

The Plaintiff suffered four (4) days under the unlawful imprisonment to the Erie County Prison, before posting bail, and thereafter released.

8.)

The Plaintiff stayed under these unlawful judicial proceedings without being afforded any criminal jurisdictional preliminary custody and hearing proceeding, untilt around June or August 2002, when notified that the Erie County District Attorney Office had dismissed the criminal complaint at CR-1-02.

9.)

And the Plaintiff demanded these civil actions seeking civil relief under 42.C.S.A. 1983, Malicious Retaliatory Prosecution, Unlawful and False Arrest and Imprisonment, abuse of Official Authority, unreasonable arrest without lawful Probable Cause.

(10.)

These acts and omissions were also in violation to the Plaintiff's guaranteed rights under the United States Constitution, under the 4th and 5th amendment, against unreasonable search and seizures, without probable cause, nor deprived of life, liberty or property, without due process of law.

(11.)

The Plaintiff seek the following civil Punitive, Declaratory, Personal Injuries, Compensational and Injunctive Relief follow:

- A. Reimbursement of all bail money Total \$380.00 dollars.
- B. Compensational lost of four (4) days of unlawful imprisonment. Total over \$5,000.00 dollars. (above minimum wages).
- C. Civil Punitive damages of \$30,000.00 dollars from each defendant, as an award and for future restraint and deterrence.
- D. \$5,000.00 dollars each defendant for physical and mental abuse.
- E. \$5,000.00 dollars each defendant for Public liability of falsity, defamation and slander.

- F. Premature Restrictive Injunctional Restraining Order against both defendant.
- G. All court cost and filing fees
- H. \$5,000.00 dollars in attorney fees
- I. none opposing the Plaintiff P.C.C.R. Act petition, which guarantee acquittal as a matter and mandate of law.
- J. And any other relief this court deems fit.

(2)

The Plaintiff will produce the following Evidence, and Documents to Support His Claims in a Jury Trial:

1. Preliminary Hearing Transcripts 12/28/01
2. Criminal Complaint at 12/28/01, CR-1-02
3. District Magistrate Susan C. Mack's file docket at CR-1-02.
4. Rules of Penna. Criminal Procedures
5. Common Pleas Court Docket at Commonw.
vs. Taskun Taylor.

13.)

The Following witnesses will be called
to substantiate the Plaintiff's claims
before jury and the award of civil
penalties against the Defendant:

1. Attorney Gene Prociak
2. Tashun Taylor
3. Attorney Tim Lucas
4. Dist. Attorney Brad Fulk
5. County Detective Matthew Benacci
6. Asst. Dist. Attorney Robert Sambrook, Jr
7. Dist. Magistrate Paul Urbanick
8. Dist. Magistrate Susan C. Mack
9. City of Erie Police Department R.H. McDonald #232
10. Mother of Tashun Taylor
11. Girlfriend of Tashun Taylor.

Sincerely submitted
Barukh A. Muhammed
Pro. Se
1618 Ash Street
Erie, Pa. 16503

Bamir A. Mohammad
Vs. Plaintiff
O.A. Brad Foulk, et al
Defendant

In The United States District
Court for the Western Dist.
Of Penna.
Case No. 04-131
Judge Co Hill
Dist. Magist. Baxter

Verification of Service

I, Bamir A. Mohammad, P.C. Se.; verify on this
22nd, day of August 2005, a true and correct
copy of the Plaintiff's Narrative Statement have
been served upon the concern parties below
by first class mail, in accordance to the
rules of court governing this matter.

First Class mail:

Attorney Matthew M. Funglin
Esq. Erie County Solicitor Off.
192 West 6th Street
Erie, Pa. 16501

The Honorable Judge
Susan P. Baxter
U.S. Federal Courthouse

Erie, Pa. 16501

Bamir A. Mohammad
P.O. Box 1418 Ash St.
Erie, Pa. 16503